IN THE HIGH COURT OF JUDICATURE

ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO :17636 of 2004

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Dated: 3rd November 2005.

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Between:

D.Ramesh

..... PETITIONER

AND

The District Collector, Nellore Districtand others

.....RESPONDENTS

THE HON'BLE SRI JUSTICE J.CHELAMESWAR

AND

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.NO.17636 OF 2004

ORAL ORDER:

(Per the Hon'ble Sri Justice J.Chelameswar)

The applicant in O.A.No.3143 of 2004 on the file of the Andhra Pradesh Administrative Tribunal is the petitioner herein.

The petitioner applied for one of the backlog vacancies of Group-IV Services of the State of Andhra Pradesh. The 1st respondent herein by letter dated 1st May 2004 directed the applicant to be present before the Collectorate with all the original certificates and the latest caste certificate on 10th May 2004. The petitioner, it appears, produced all the necessary documents including the caste certificate dated 10th June 1992 of the 2nd respondent, however, the 3rd respondent refused to receive the same and insisted for production of a latest caste certificate. The petitioner, therefore, filed the abovementioned O.A. seeking a declaration that the action of the 3rd respondent in not accepting the caste certificate dated 10th June 1992 produced by him and insisting upon production of the latest caste certificate.

The Tribunal by the impugned order dated 13th August 2004 disposed of the O.A. directing the respondents to conduct a proper enquiry, with a further direction not to fill up one post in Group-IV backlog vacancies during the pendency of the said enquiry, and hence, the present writ petition.

It is not a case where the petitioner did not produce the caste certificate in support of his claim, nor it is the case of the respondents that the caste certificate produced by the petitioner is not a genuine document. The issuance of caste certificate is governed for a long time by various executive orders, eventually, the area came to be covered by the legislation in Act No.16 of 1993 of the State of Andhra Pradesh. The scope of the said enactment came to be considered by this

Court earlier in Writ Petition No.29420 of 1997. By order dated 12th December 1997, this Court held that the said issue was no more *res integra* as the same was covered by a judgment of the Supreme Court in R.KANDASAMY v. CHIEF ENGINEER, MADRAS PORT TRUST. The Supreme Court came to the conclusion that unless appropriate steps under the Act, more particularly, under Section 5 of the Act, are taken for cancellation of the existing caste certificate, declination to accept the same, though issued prior to the date of commencement of the Act, and insistence on a latest caste certificate is not permissible.

Heard the learned Government Pleader.

In the circumstances, we are of the opinion that the Tribunal erred in directing an enquiry into the caste certificate produced by the petitioner. It is a different matter, if the appropriate authority, under the abovementioned Act, independently comes to the conclusion that the caste certificate possessed by any person is required to be cancelled. In the case of such a decision by the appropriate authority, the proceedings to cancel the certificate are required to be taken in accordance with the provisions of the abovementioned Act. Admittedly, no such proceedings have been initiated so far against the petitioner.

In the circumstances, the order of the Tribunal is set aside, consequently, O.A. No. 3143 of 2004 stands allowed as prayed for.

In the result, the writ petition is allowed.

J.Chelameswar, J

RAMESH RANGANATHAN, J

3rd November 2005

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